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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,807	11/16/2001	Gil Gavriel Dudkiewicz	051448.0201	1953

7590 06/19/2007  
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EXAMINER
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SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/991,807

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

Jason P. Salce

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-16 and 20-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-16, 20-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments, see Applicant's arguments, filed 11/28/2006, with respect to the rejection(s) of the claim(s) under 102(e) in view of Tash, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hullinger et al. (U.S. Patent No. 6,295,092) based on the amendment made to the claims, which has placed the claims in a broader form that were previously rejected in view of the previously cited (and applied) Hullinger reference.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 10-16, 20, ?? are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Hullinger et al. (U.S. Patent No. 6,295,092).

Referring to claim 1, Hullinger discloses **a method for generating metadata describing a video program** (see Column 2, Lines 7-18 for analyzing broadcasts and

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creating metadata (data describing the broadcast) which is presented to a user via a user interface).

Hullinger also discloses **obtaining, by a programmable device, production data corresponding to the video program from a production system used in the production of the video program** (see Column 3, Lines 11-23 and Figures 1-2 for receiving production data from a production system used in the production of the video program (the broadcaster that creates and transmits the audio, video and closed captioning data to the programmable device of Figure 1)).

Hullinger also discloses **assigning, by the programmable device, respective numerical goodness of fit scores to respective predefined categories based on analysis of the production data to describe the subject matter of the video program** (see parser 58 in Figure 3 which reviews the production data (closed captioning data) assigns scores for predefined categories shown in Table I), **wherein the numerical goodness of fit score assigned to a category represents a degree to which the category is descriptive of the subject matter of the video program** (see again Table I for each category (Topic N, Talent N and Production N) score representing a degree to which the category (the higher or lower the score) is descriptive of the subject matter of the video program segment (scores are created for each Phrase ID, which represents a segment of the video program (see Column 7, Lines 52-56))).

Hullinger also discloses **assigning, by the programmable device, keywords to the video program based on analysis of the production data** (see Column 4, Lines

47-48 for dividing the broadcast into segments (Phrase IDs in Tables 1 and 2) based on the closed captioning (production) data, therefore assigning keywords (phrases) to the video program based on the closed captioning (production) data).

Hullinger also discloses **storing, by the programmable device, numerical goodness of fit scores and keywords for the video program in a computer readable medium** (see Column 4, Lines 49-52 and Figure 3 for the results of the parser process 58 resulting in storing the scores and keywords in databases 60-62 and 64) **in association with time data and descriptive data for the video program as metadata describing the video program** (further note Figure 10 for the databases that store the data parsed by parser 58 in Figure 3, where the data stored in the databases are displayed in Figures 11-15, where the data contains time data and descriptive data).

Referring to claim 2, Hullinger discloses that the process of assigning keywords comprises determining respective numerical goodness of fit scores corresponding to said categories for each of candidate keywords (see the rejection of claim 1 for determining scores for the keywords and note the preparser process 54 of Figure 5, which process the raw closed captioning data to determine a set of data that contains candidate keywords (the words that will be processed by parser 58 in Figure 3)) and determining a respective subset of said candidate keywords by a thresholding procedure using said numerical goodness of fit scores for said candidate keywords (see Column 7, Line 55 through Column 9, Line 35 for rescoring and dividing the phrases into subsets based on the scores (thresholding)).

Referring to claim 3, Hullinger discloses wherein said predefined categories are subject matter categories arranged in a hierarchy comprising at least a set of top-level categories arranged in a hierarchy comprising at least a set of top-level categories, respective sets of first level sub-categories each corresponding to and encompassed by a top level category, and respective sets of second level sub-categories each corresponding to and encompassed by a first level sub-category (see Figure 6 and Column 7, Lines 27-51 and note that more levels can be added (Column 7, Lines 43-51)).

Referring to claim 4, Hullinger discloses determining a representative subset of said numerical goodness of fit scores (see the rejection of claim 2 for the rescoring process).

Hullinger also discloses storing said representative subset of said numerical goodness of fit scores (see Column 9, Lines 36-41).

Referring to claim 5, Hullinger discloses that the production data comprises rundown data produced by the production system (see Figure 6 for the third level storing data (scores) on a specific time a station is airing a broadcast).

Referring to claim 6, Hullinger discloses that the production data comprises script data produced by the production system (see Column 4, Lines 49-52 for storing closed caption (script) data).

Referring to claim 10, Hullinger discloses that storing keywords comprises selecting a predetermined number of said assigned keywords for storage (see Column 7, Lines 29-32 for storing a subset of all text captured by the system).

Referring to claims 11-16 and 20, see the rejection of claims 1-6 and 10, respectively.

Referring to claim 21, Hullinger discloses obtaining production data corresponding to the programming event from a production system used in the production of the programming event, the production data including descriptive information for the programming even (see rejection of claim 1).

Hullinger also discloses determining candidate keywords from the production data (see Column 4, Lines 44-49 for the parser process determining the keywords that will be scored (also note Column 5, Lines 63-67 and Column 6, Lines 1-12 and the example of a one-word vocabulary table created by the parser process)).

Hullinger also discloses providing the candidate keywords as respective inputs to a classification tool and generating for each of said candidate keywords a set of numerical goodness of fit scores each corresponding to a predefined category (see

Table I and Column 6, Lines 25-67 for creating a score table), wherein the numerical goodness of fit score corresponding to a category represents a degree to which the category is descriptive of the candidate keyword (see Column 6, Lines 35-43 for counting the number of occurrences of the candidate keyword in the program being parsed by the parser process 58).

Hullinger also discloses selecting keywords to represent the programming event from among said candidate keywords based on the set of numerical goodness of fit scores corresponding to the categories of the classification hierarchy for each of said candidate keywords (see Column 8, Lines 50-67 and Column 6, Lines 1-35 for selecting keywords from the candidate keywords (in the table at Column 9, Lines 1-13) using goodness of fit scores corresponding to categories (Local, National or International) of the classification hierarchy (which is based on the score) for the candidate keywords). Hullinger also discloses storing said keywords in a computer readable medium as a component of said metadata describing the programming event (see Column 9, Lines 36-41 for storing the data after the processing described above).

Referring to claim 22, Hullinger discloses determining verbs and nouns from the production data, and using these words as candidate keywords (see Column 9, Lines 1-13 for a table that contains captured phases, that contain both a noun ("Statue") and a verb ("visit"), which are used for re-scoring a newly combined segment).



Referring to claims 23, Hullinger discloses determining correlations between sets of numerical goodness of fit scores generated by providing said descriptive information for the programming event as input to said classification tool (see again Column 9, Lines 31-48 for re-scoring (correlating) information about segments, captured by the system and providing this data to a user interface (classification tool) for further viewing and editing). Hullinger also discloses discarding candidate keywords having low correlation (see Column 19, Lines 8-14 for discarding words that have only been encountered in the correlation once or twice).

Referring to claim 24, see again Column 19, Lines 8-14 for discarding words that have a low probability (low fit score) of being encountered, therefore, words that have a high probability (high fit score) of being encountered in the parsing process will be selected for further processing.

Referring to claim 25, see rejection of claims 5-6.

Referring to claim 26, Hullinger discloses determining a time and duration of individual segments of a program described by the production data, which precedes assigning scores and keywords (see Column 7, Lines 46-51 for an example of determining time and duration of individual segments based on the score table tree hierarchy (the example provides a method for adding nodes to a tree for analyzing the first and last 15 minutes of a broadcast)).

Hullinger also discloses that metadata is generated using production data that is specific to an individual segment of said program such that the metadata is descriptive of that individual segment (see Column 7, Lines 52-62 for creating metadata from the production data (CC text file created) according to segments of a broadcast).

Referring to claims 27-32, see the rejection of claims 21-26, respectively.

Referring to claims 33-34, see the rejection of claim 3.

Referring to claims 35-39, see the rejection of claims 1 and 3-6, respectively.

Referring to claim 40, see the rejection of claim 1 and further note that the system of Hullinger determines individual segments of the video program prior to broadcast of the video program (see Column 2, Line 54 through Column 3, Line 4 and Column 3, Lines 11-31).

Referring to claims 41-44, see the rejection of claims 3-6, respectively.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
Art Unit 2623

June 10, 2007

JASON SALCE  
PRIMARY PATENT EXAMINER

A handwritten signature in cursive script, appearing to read "Jason Salce", is written over the printed name and title.